



PATENT
Customer No. 22,852
Attorney Docket No. 8386.0003-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Thomas V. RESSEMAN et al.) Group Art Unit: 3763
Application No.: 09/940,986) Examiner: Unknown
Filed: August 29, 2001)
For: EMBOLI PROTECTION DEVICES)
AND RELATED METHODS OF USE)

Commissioner for Patents and Trademarks
Washington, DC 20231

Sir:

FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. To the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed documents were previously submitted in U.S. Patent Application 09/845,162, filed on May 1, 2001, upon which Applicants rely for the benefits provided in 35 U.S.C. § 120. Therefore, under the provisions of 37 C.F.R. § 1.98(d), copies of the listed documents are not being submitted herewith. Should the Examiner for any reason need a copy of a listed document, the Examiner is invited to call the undersigned at 202-408-4488 and such a copy will be provided. Applicants

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respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If the Examiner applies the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the U.S. Patent Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 28, 2003

By: Elizabeth M. Burke
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OMB No. 0651-0011

INFORMATION DISCLOSURE CITATION

Atty. Docket No.	8386.0003-01	Appln. No.	09/940,986
Applicant	Thomas V. RESSEMANN et al.		
Filing Date	August 29, 2001	Group:	3763

U.S. PATENT DOCUMENTS							
Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate	
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)					
Examiner	Date Considered				
*Examiner:	Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.				
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce				